

 |

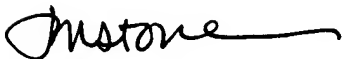
For: HYDROTREATING CATALYST THAT CONTAINS A NITROGEN-CONTAINING ORGANIC COMPOUND AND ITS USE

Petitioner argues that because all of the claims were previously indicated as allowable, the amendments made did not necessitate the new grounds of rejection presented by the examiner in the final office action. This argument is persuasive. The new grounds of rejection over all of the claims were clearly not necessitated by Applicant's amendment because Applicants merely

followed the suggestions set forth by the examiner to present the allowable claims in the proper form. Because the scope of the claimed subject matter was not changed, there is no basis for the examiner's assertion that the amendments necessitated the new grounds of rejection. It is noted that on page 5 of the final office action the examiner states that the new grounds of rejection came about due to a new search and further consideration.

The finality was improper and the petition for withdrawal of finality is **GRANTED**.

It is also pointed out that while the finality of the office action has been withdrawn, the rejection still stands. Applicant's time for response to the September 27, 2005 office action continues to run. Extensions of time may be obtained to file any amendments. Such amendments will be treated as an amendment under 37 CFR 1.111 or 1.112 and will be entered.



Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON VA 22201